THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 25245 of 1997

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DATED: 28.02.2006

Between:

Ganisetti Subbamma and others.

... PETITIONERS

AND

The Executive Engineer and others.

RESPONDENTS

ORDER:

The petitioners state that they belong to weaker sections and they have planted coconut trees on the canal bunds, after obtaining the permission of the Gram Panchayat. They complain that the respondents are trying to remove the trees highhandedly. It is alleged that the respondents are exhibiting discrimination, in the matter of removal of such trees.

The 1st respondent filed counter affidavit. It is stated that the irrigation canals and the bunds vest in the Irrigation Department and the Gram Panchayat has no authority or competence to grant permission for planting trees on the canal bunds. It is stated that the Irrigation Department is taking steps to maintain and strengthen the canals and in the process, objectionable trees are being

removed. It is further stated that there is a ban on plantation of coconut trees on the canal bunds, in view of safety.

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation.

The petitioners do not claim any inherent or individual right over the place, where the coconut trees were planted. It is true that even according to the respondents, there existed a policy of granting permission to weaker sections, for planting coconut trees in Government poramboke lands. Even, such a policy is said to have been discontinued. Be that as it may, the irrigation canals and the bunds vest in the Irrigation Department and the Gram Panchayat has no right or power to accord permission to plant coconut trees on the canal bunds. Unless the permission was accorded by the Irrigation Department, the petitioners cannot claim any right to undertake such plantation. Further, the Government itself has banned plantation of such trees on irrigation canals, from the points of view of safety as well as maintenance. Therefore, no exception can be taken to the action of the respondents.

Hence, the Writ Petition is dismissed. It is, however, made clear that in case, there exists any other poramboke land in the Village and permissions are being granted for plantation of coconut trees to weaker sections, the cases of the petitioners shall also be considered, in accordance with law. There shall be no order as to costs.

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28.02.2006

Jsu